

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA

Plaintiff,

v.

CHAD SHAW,
JAMIE ANDERSON, and
KHOUANHEVANE BANIENSYNOUANE,

Defendants.

CASE NO. CR05-5475FDB

*STIPULATED MOTION AND
ORDER FOR CONTINUANCE
OF PRETRIAL HEARING &
TRIAL DATE*

The defendants herein, Jamie Anderson, by and through his counsel, Zenon P. Olbertz; Chad Shaw, by and through his counsel, David A. Shaw; Khouanhevane Baniensynouane, by and through his counsel, Charles A. Johnston; and the Government, by and through its counsel, Ronald J. Friedman, Assistant United States Attorney, hereby move that the trial presently scheduled for August 29, 2005, be vacated, and that the trial be rescheduled to some time in October or November, 2005; and that the pretrial hearing date presently scheduled for August 17, 2005, be vacated and that the pretrial hearing be rescheduled to a date to be determined by the Court.

*STIPULATED MOTION AND ORDER FOR
CONTINUANCE OF PRETRIAL HEARING &
TRIAL DATE - 1*

LAW OFFICE OF
ZENON PETER OLBERTZ
1008 SOUTH YAKIMA AVENUE, SUITE 302
TACOMA, WASHINGTON 98405
(253) 272-9967

1 The above request for continuance is being made as additional time is necessary
2 to review discovery and prepare this matter for trial. All defendants are willing to
3 waive their right to a speedy trial.
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5 The parties believe that the ends of justice would be served by a continuance of
6 the trial and pretrial hearing dates in this matter.

7 DATED this 16th day of August, 2005.
8

/s/

9 By: _____
10 Zenon P. Olbertz, WSB #6080
11 Attorney for Jamie Anderson

12 *Telephonically Approved:*
13 *08/15/05*

14 By: _____
15 David A. Shaw, WSB #8788
16 Attorney for Chad Shaw

17 *Telephonically Approved:*
18 *08/16/05*

19 By: _____
20 Charles A. Johnston, WSB #9058
21 Attorney for Khouanhevane
22 Baniensynouane

23 *Telephonically Approved:*
24 *08/15/05*

25 By: _____
Ronald J. Friedman
Assistant U.S. Attorney

ORDER

Before this court is a stipulated motion for continuance of the trial and pretrial hearing dates presently scheduled for August 17th, 2005 and August 29th, 2005. The court finds, after a consideration of all relevant information and the circumstances of this case, that without this continuance the defendants will be prejudiced and the ability to properly prepare for trial would be impaired. Failure to grant a continuance under these circumstances would result in a miscarriage of justice. The ends of justice would best be served by granting of the motion for continuance. The ends of justice outweigh the best interests of the public and the defendants in a speedy trial.

For these reasons, the court finds the stipulated motion for continuance should be granted. The trial date is hereby continued from August 29, 2005 to October 11, 2005. The resulting period of delay from August 29, 2005, up to and including the new trial date of October 11, 2005, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B). The pretrial hearing scheduled for August 17, 2005 is stricken and is rescheduled to September 30, 2005.

IT IS SO ORDERED.

DONE this 16th day of August, 2005.

/s/ Franklin D Burgess
FRANKLIN D. BURGESS
United States District Judge

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/s/

By: _____
Zenon P. Olbertz, WSB #6080
Attorney for Jamie Anderson

Telephonically Approved:
08/15/05

By: _____
David A. Shaw, WSB #8788
Attorney for Chad Shaw

Telephonically Approved:
08/16/05

By: _____
Charles A. Johnston, WSB #9058
Attorney for Khouanhevane Baniensynouane

Telephonically Approved:
08/15/05

By: _____
Ronald J. Friedman
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 16th, 2005, I electronically filed the foregoing Stipulated Motion and Order for Continuance of Trial Date and Pretrial Hearing Date with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ronald J. Friedman
Assistant United States Attorney
700 Stewart Street
Suite 5220
Seattle, WA 98101-1271

David A. Shaw
WILLIAMS KASTNER & GIBBS
601 Union Street
Suite 4100
Seattle, WA 98111-3926

Charles A. Johnston
Attorney at Law
202 E. 34th
Tacoma, WA 98404

I hereby certify that on August 16th, 2005, I mailed the Stipulated Motion and Order for Continuance of Trial Date and Pretrial Hearing Date to the following:

Jamie Anderson
c/o Thurston County Corrections Facility
2000 Lakeridge Drive SW
Olympia, WA 98502

DATED this 16th day of August, 2005.

/s/

Sarah M. Heckman
Legal Assistant

STIPULATED MOTION AND ORDER FOR
CONTINUANCE OF PRETRIAL HEARING &
TRIAL DATE - 5

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